

# Town of New Windsor

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## OFFICE OF THE PLANNING BOARD

**APRIL 14, 2004 - WEDNESDAY — 7:30 PM**  
**TENTATIVE AGENDA**

## CALL TO ORDER

## ROLL CALL

**APPROVAL OF MINUTES DATED: FEBRUARY 11, 2004  
FEBRUARY 25, 2004**

## ANNUAL MOBILE HOME PARK REVIEW:

**a. CINTRON MOBILE HOME PARK**

**PUBLIC HEARINGS:**

- 1. CLASSIC HOME BUILDERS SUBDIVISION & LOT LINE CHANGE (03-16)**  
**KINGS ROAD (LYTLE)** Proposed 4-lot residential subdivision & lot line change.

**REGULAR ITEMS:**

2. **MIDDLE EARTH SUBDIVISION (03-22) STATION ROAD (CLEARWATER)**  
Proposed 27-lot residential subdivision.
3. **RPA ASSOCIATES – AMENDED SITE PLAN (04-07) UNION AVE. & RT. 32 (SHAW)** Proposed amendment to approved retail center.
4. **73 WINDSOR HIGHWAY SITE PLAN (04-08) 73 WINDSOR HIGHWAY (SHAW)**  
Proposed 10,500 s.f. addition to existing building.

## DISCUSSION

## ADJOURNMENT

**(NEXT MEETING –APRIL 28, 2004)**

TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 14, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
RON LANDER  
JERRY ARGENIO  
THOMAS KARNAVEZOS  
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

ALSO PRESENT: NEIL SCHLESINGER

ABSENT: JIM BRESNAN

REGULAR MEETING

MR. PETRO: I'd like to the regular meeting of the New Windsor Planning Board to order for April 14, 2004. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: FEBRUARY 11, 2004  
FEBRUARY 25, 2004

MR. PETRO: Motion for approval of the minutes dated February 11, 2004 and February 25, 2004 as written.

MR. ARGENIO: Make a motion we approve.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept those minutes as written. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW

CINTRON MOBILE HOME PARK

MR. PETRO: Mike, has someone from your department been to that site? Do you have any other comments from what I have here?

MR. BABCOCK: Yes, we have, everything there is fine.

MR. PETRO: We need a check made out to the Town of New Windsor for \$140. Motion for one year extension.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We'll see you in a year.

PUBLIC HEARINGS:

CLASSIC HOME BUILDERS SUBDIVISION & LOT LINE CHANGE  
(03-16)

Mr. Kenneth Lytle and Mr. Anthony Fayo appeared before the board for this proposal.

MR. PETRO: Proposed 4 lot residential subdivision and lot line change. This project involves subdivision of 17.8 acre parcel into a single family residential lots with a private road. The application was previously reviewed at the 9 July, 2000 planning board meeting. Obviously, we're here for a public hearing. Property is in an R-1 zone, required bulk table is correct. As a final correction to the bulk table, an asterisk should be added to the lot width listing on the table to correspond to the asterisk note at the bottom of the table. This application includes lot line change, applicant should be aware that new combination deed will be required to assure that the land being conveyed to Fox Hill is merged into their existing lot. The application shows that the wells and septic systems are as per plan dated 3/10/02 as the applicant's engineer field verified the location of the adjoining well to ensure proper separation.

MR. LYTLE: Yes.

MR. PETRO: How do you follow up on that? He's saying yes, not that I disbelieve you.

MR. EDSALL: The record is clear, they can also add in instead of saying per the plan they can say field verified.

MR. PETRO: Plan now includes sanitary disposal systems, the systems are proposed shale or absorption trench systems sent to the Orange County Department of Health for review. Has it gone there?

MR. LYTLE: No, it has not.

MR. PETRO: Going to have to be sent there and approval following the public hearing, preliminary approval so once we have the preliminary, we can send it on. Is that correct?

MR. EDSALL: It will have to be based on the information on the plan.

MR. PETRO: The plan has provided for an off-site storm water system to address the concerns of the highway superintendent. What do we have from him now? Highway is under review, okay, it did go from disapproved to under review so you're moving along. The plans provide piping and catch basins, this is what he's looking at, right, installation conflicts with the plans for the ADC Windsor, Inc. subdivision application which is also a current application before the board. This will need to be coordinated by the applicant. Evidently, we have another application and the two are not coinciding evidently, right, Mark?

MR. EDSALL: Correct.

MR. PETRO: So I'm just going to outline that I don't want to get into it now, get together with your engineer, get together with Mr. Kroll and work it out.

MR. LYTLE: Okay.

MR. PETRO: We're not going to sit here and design the drainage off-site, until I see that it's approved, we can't go further. Do you want to make any presentation or anything or we can just go right to the public hearing, basically, I said it all, right?

MR. LYTLE: Yes.

MR. PETRO: On the 29th day of March, 2004, 13 addressed envelopes containing the public notice were mailed out. If someone is here and would like to speak for or against the application, please be recognized by the Chair, come forward, state your concerns. Is there anyone here who'd like to speak? Yes, sir?

MR. DOULAN: Is it possible to ask what the style of the homes would be?

MR. PETRO: Why don't you come up here, please, I think we have a sign-in sheet somewhere and we also need your name and your address. Want to repeat your question?

MR. DOULAN: Pete Doulan, 67 Kings Drive, Rock Tavern, New York. And my question simply is I'm just curious of the style of the homes?

MR. FAYO: Colonials, probably going to run between 38 to 4,800 square feet.

MR. DOULAN: And it, will it be locked in for just like the four homes, not going to go any further than that?

MR. FAYO: No, that's it.

MR. PETRO: Only what we're approving, just the four homes.

MR. DOULAN: I was just curious of the style of the homes that would be going up. I have nothing against it, I think it's going to be great. There's no idea of how long this type of project takes?

MR. PETRO: This is a minor subdivision and it's not going to be here long, once they get really together with the highway superintendent, we're going to hear back from Orange County Board of Health with the separation of the wells and the septic designs, I would say within months, in other words, this is not a two or

three years project, they could be built by the end of the summer, I would say, yes, and that's only an opinion.

MR. DOULAN: That was my question. I'm down here so septic is a big thing. Thank you so much. Thank you, sir.

MR. PETRO: What's the price of the house, \$300,000 plus?

MR. FAYO: I think more like 5.

MR. ARGENIO: It's a nice area out that way.

MR. MARCADO: Carlos Marcado. My question is what are they going to do with the drainage situation over there because that area is generally a wet area, so with the construction that's going on there, I want to know where the drainage is going to go because your driveway to go into there is right between my lot and my neighbor's house, so once you're going to do construction, I don't know where the water's going to go. I don't want that coming into my property.

MR. PETRO: Show us on the map where you live.

MR. MARCADO: I live at 87 Kings Road, my house is about right here.

MR. PETRO: Which way is the topo going?

MR. LYTLE: Down this way.

MR. PETRO: So you're saying naturally flowing away from his home?

MR. LYTLE: That's correct, whereas we're going to catch all the water coming down, there will be drains, all the water coming down the hill will run into a



pond, do what we have to do drying out our back yard running it down the street and all the way down to the swamp.

MR. MARCADO: This whole area as it is is wet.

MR. PETRO: Well, you know, if you do a site visit with them and go see when they're working there you may be able to take, the pond is basically in your back yard, actually run off some of your gutter drains or something into the pond and get it off your property, that's between you and the builder, but it looks like it's in a perfect spot to do that. If you look at the topo lines, it's actually running not into your property from this property it's going to actually just go to the right there. But I would suggest to you that you get in touch with them when you see them over there, I'm sure you wouldn't mind building a small dry ditch over to the pond?

MR. FAYO: That's not a problem.

MR. PETRO: Anything else?

MS. NEGERI (PHONETIC): Catherine Negeri. I'm also concerned about the drainage problem.

MR. PETRO: Show us where you are.

MS. NEGERI: We're right over here.

MR. PETRO: Now she's in the flow basically as far as the topo lines, what's going on?

MS. NEGERI: We're having a huge problem right now with the drainage, the kids can't play in the back yard because there's so much water there, we had a terrible problem since we moved in with ice and water running off the driveway and eroding the property as well, a lot of trouble near our mailbox and water runoff in the

back yard, side, front and all over the place. I'm quite concerned about the property being able to handle four more houses.

MR. PETRO: Okay. What's there, a ten foot cut here?

MR. LYTLE: I believe so, yes.

MR. FAYO: Our intention is we will catch all the water that's heading to the house and the drainage.

MR. PETRO: Into your retention pond. Show it to her.

MR. FAYO: Yes.

MR. LYTLE: This is the natural slope of the land going towards your house, this is going to catch any water going towards your house, taking it down the road and into this pond and there's piping underground out and down the road.

MR. PETRO: You know how it works? It catches water at a fast rate like a big bowl in the property and all the water will go into the bowl and major rainstorm let's the water out slowly downstream in the wetlands which is down from you. Is that correct?

MR. LYTLE: Yes.

MR. PETRO: Instead of overrunning your property, it will go into the pond first and then be let out at a certain rate.

MS. NEGERI: I want to know where the entrance to the private road is going to be, doesn't seem like there's adequate room for a private road for that between my house.

MR. LYTLE: There's a stone wall that's currently there, it's going to start 25 feet from there towards

your house.

MS. NEGERI: How wide is the road going to be?

MR. LYTLE: The right-of-way is 50 feet and the road is 18.

MS. NEGERI: And when the construction does start, I'm a little concerned about cleanup and construction debris and machinery as well because we moved in in December, 2002 and we still have construction debris in the back yard sitting there. How long is that stuff going to be around? I don't want to look out my window and see that.

MR. PETRO: Normally, it shouldn't be, building department and fire department, when they do their jobs properly in 99.9 percent of the time they have to do that before the C.O.s are issued.

MS. NEGERI: I guess they didn't do their jobs the right way because I still have it.

MR. PETRO: I said 99.9.

MS. NEGERI: They still have stuff that's still waiting to be moved from when I moved in, what's the guarantee that's not going to be around three years later behind me?

MR. PETRO: Construction debris?

MS. NEGERI: Whatever is cleared from the land, stumps, wood, you know, whatever was there.

MR. PETRO: Who built the house?

MR. FAYO: I did.

MR. PETRO: Anthony, clean the back of the lady's

house, it will take five minutes.

MR. FAYO: We'll make it all disappear.

MR. PETRO: Call Myra, tell her that it's not cleaned up and the C.O.s will take a long time to find their way over there. How's that sound?

MS. NEGERI: Sounds good.

MR. FAYO: I know we talked about it before.

MR. PETRO: That problem's solved real quick. Nice to find both people in the same spot. Anything else?

MS. NEGERI: That's it, thank you.

MR. PETRO: Anybody else? Motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Classic Home Builders minor subdivision and lot line change on Kings Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'll reopen it back up to the board for any further input. Mark, do you have

anything else you want to talk about tonight?

MR. EDSALL: No, you've covered the comments.

MR. SCHLESINGER: I have a question. Shallow absorption trench system, is that designed for any one particular reason?

MR. LYTLE: Soil, based on the soil conditions we found.

MR. SCHLESINGER: What were those?

MR. LYTLE: On the fourth page I believe it's hazardous conditions, we had some heavy soils, more of a clay-ish type soil, actually had some water.

MR. SCHLESINGER: So this is a septic system that's designed for the type of conditions you have?

MR. LYTLE: Yes and we have curtain drains to continue drying out the soil in that area.

MR. PETRO: It's going to Orange County Board of Health to review, is that correct, Mark?

MR. EDSALL: Not because of the four homes. The code requires for shallow absorption trench systems that you have 24 inches between the bottom of trenches and the impermeable area, ground water, bedrock and that does not exist based on the information in the plans. We pointed that out in January and rather than I would assume go with an alternative type system, they have been, they have continued with the shallow trench system. The fact that it doesn't meet the state standards means we have to refer it to the health department for them to get a waiver or change the design.

MR. PETRO: I would suggest this and nobody has to tell

you because I'm sure you have been down this road before, make sure you build them properly, make sure they work, if not, it's going to be a nightmare for you, the people who live there and for the Town, we already have another spot in town where it's been a real problem, people have been here a couple times and it just doesn't work.

MR. ARGENIO: Same general area of the Town.

MR. PETRO: And it doesn't work, I don't care what the specs say.

MR. ARGENIO: Do it right.

MR. PETRO: I'm not saying you wouldn't do it right but I'm saying definitely put a little more effort into that building when you're building at least four homes.

MR. LYTLE: We're able to meet with Mark's people who normally witness these things, assume they met the code at that time would that be acceptable?

MR. EDSALL: I don't know why we would want to witness something we have no jurisdiction to review.

MR. LYTLE: Wouldn't be up to you to have your joint site inspection for a normal septic under 4 lots?

MR. EDSALL: It would be if the system as you submit it met the state health department standards and we had jurisdiction but once the system does not comply with the requirements and the state health department's publications, we have no jurisdiction, you have to go to the health department to get the waivers because we can't grant them.

MR. LANDER: Change the design instead of going to the County.

MR. EDSALL: Well, you can't change the ground water, that's the problem, in other words, if they changed to an alternative system and make it a raised bed that's an alternative system that has to go to the County so the only way to make this so we have authorization is to change the ground water.

MR. LYTLE: We installed a curtain drain, it would be working after it's fully installed.

MR. EDSALL: If you have a way of taking the condition and relieving it, then we can look at it.

MR. PETRO: Thank you.

REGULAR ITEMS:

MIDDLE EARTH SUBDIVISION (03-22)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Major subdivision on Station Road. Application proposes subdivision of 96 acre parcel into 26 single family lots. This plan was previously reviewed at the 23 July, 2003 and the 25 February, 2004 planning board meetings, R-1 zone required, bulk information shown on the plan is correct, highway is under review and we still have fire as disapproved. So you're going to have to contend with the fire department, fire says need three sets of sketch plans with the E-911 numbering, driveway layout and sketch plan show E-911 numbers on sketch plan confirmed roads meet town road specs, that's from fire and as I said, highway is under review. Why don't you go over it briefly?

MR. CLEARWATER: This property is located on the east side of Station Road just south of the Westminster Presbyterian Church. As Mr. Petro said, it's 26 single family residential lots on 98 acres. There's approximately 35 acres of wetlands mostly in the back, both Army Corps of Engineers and it's all Army Corps wetlands, the site is accessed in two locations, both off Station Road. Mr. Kroll, the Highway Superintendent that did reservations back in February about sight distance, we met with him on the site on March 1st and satisfied his concern. Now I wrote to him after that, I haven't heard back, I haven't unless you have, maybe you got a letter from him but I haven't got a letter.

MR. PETRO: 4/12/2004 under review, so I have nothing additional from the highway.



MR. ARGENIO: How did you satisfy his concern?

MR. CLEARWATER: He was confused apparently where the location of Road A comes out so he wasn't sure that we had the sight distance that we show. He was also concerned about the slope, the side slopes on the new roads and I pointed, I told him that side slopes were all three to one and that was--he didn't have any real concern after that. As you're aware, of course this is health department review for wells and septics, as well as the Army Corps needs to approve the delineation of the wetlands which has been sent in, we haven't heard back from them yet.

MR. LANDER: Crossing the wetlands with the road?

MR. CLEARWATER: In two locations, that's right, the two smallest locations. We're above the maximum that's allowed under a nationwide permit so we have to file the permit. Now if we did serve the whole place with one access then we'd be underneath 4,000 but with two accesses it makes it better and safer.

MR. PETRO: Applicant is reminded that the subdivision plan should be included, that the signature and seal of a licensed land surveyor, again, do we have that on this plan?

MR. CLEARWATER: Not in this play, we'll get it. Dan Yanosh did it. We're ready for public hearing next month.

MR. PETRO: Outside agency permits, including SPDES permit for storm water discharge is going to be required and the other comments Mark made about all the outside agencies. We already went over the highway superintendent, there's nothing on file, the applicant should update the board on the status of the response of Orange County OPRHP, drafted declaration of the restricted covenants for the lots with the restriction

of the conservation easements for lots one through five should be prepared and submitted for review, Andy, get that in and take a look at it, okay?

MR. KRIEGER: Yes, as soon as it's submitted, I'll look at it.

MR. PETRO: Applicant should proceed with the 911 coordination in accordance with the Town policy. Street names, 911 addresses and numbering should be on the plan for preliminary public hearing, should be done before the public hearing.

MR. CLEARWATER: We'll have it on there before that.

MR. PETRO: I'm trying to get you moving in the right direction so we can schedule a public hearing which we can't do yet.

MR. ARGENIO: The easements are retained by the individual lots owners, is that correct, the conservation easements?

MR. CLEARWATER: That's right.

MR. KARTIGANER: We're not yet sure who's going to be owning the first five in terms of conservation easement, we may be trying to give that to different agencies to maintain them.

MR. ARGENIO: For instance?

MR. KARTIGANER: We've talked to the Orange County Land Trust, they have an interest particularly in this part, they have suggested this, that they are not interested in the conservation easement along Station Road, who might be interested, I'm not sure, the reason we're putting it there is specifically to try and maintain the open space character of Station Road because it goes to just about the top of the rise, I'm not sure

what agency we'd be giving it to, if we can't find somebody, we may not do it, although we will put in a requirement that they don't build in that area.

MR. EDSALL: Drew, by giving, it's still going to be owned by the individual lots?

MR. KARTIGANER: Right, the easement will be basically prohibiting building or construction in the area.

MR. EDSALL: So you're giving the restrictive rights or the protection to someone else?

MR. KARTIGANER: To someone else.

MR. EDSALL: Just wanted to make sure the board was clear they're not giving the land away because it won't meet zoning again.

MR. CLEARWATER: That's what I meant, the land was going to be kept.

MR. KARTIGANER: I'm sorry.

MR. PETRO: The approval box has been added but not on all the sheets, sidewalks are not on the plans, you need to have sidewalks on one side of the street, do not ask me to waive it, if you feel that it's unnecessary and you can't do it for some reason, you have to go to the Town Board to get a waiver. I do not believe you'll be successful. And you will not have a positive recommendation from this board. Planning board wants sidewalks on one side of the street, not both. But you're welcome to make application to the Town Board, petition the Town Board who since about 2003 has been empowered to make that decision. That's all I have. Does anybody else have anything? I would suggest you get a packet from Mark, probably already have that, right?

MR. KARTIGANER: We just got it.

MR. PETRO: Just go over his comments and get together with Mr. Kroll and get his comments, get that straightened out so we can schedule a public hearing. Get the plans stamped before we have a public hearing.

MR. CLEARWATER: It will be.

MR. PETRO: Thank you.

RPA ASSOCIATES - AMENDED SITE PLAN (04-07)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Application proposes revision to the size of the layout of two buildings on the previously approved site plan with a slight decrease in all building area. Application is a minor change to the previous approved site plan and the applicant's engineer will provide further description and reasons I'm sure of that. Building area for the site is being decreased from 79,050 square feet to 75,925 square feet. Okay, Greg?

MR. SHAW: Thank you. The retail center for RPA Associates was approved by this board twice, the second time we came back before this board cause time had expired, what we would like to do that being RPA is to begin construction of a building this spring what they'd like to build is retail building number 1. What we have done is made some very minor changes to the site plan in order to accommodate retail building number 1. We have made it slightly bigger in size, it will now be a 15,000 square feet. I think before it was approximately 12,000 square feet. And with that, we have modified just a little bit of the parking in the front. Retail buildings number 2A and 2B have not changed, nor has the parking around it. And retail building which is building number 3, 4 and 5 that has been reduced slightly in size to accommodate the increase of retail building number 1. If you take a look at the notes and I'd like to read them into the record, site plan amendment notes, specifically note number 2, the original site plan was approved for a total of 79,050 square feet of retail space within three buildings. And this amended site plan is for a total of 75,925 square feet, also within three buildings so it's a reduction of 3,000 square feet of retail space throughout the entire site, retail

building number 1 is increasing in size, retail buildings 3, 4 and 5 which are attached are decreasing in size and for the most part all the parking, storm drainage and utilities are remaining the same.

MR. PETRO: What's the increase in retail building number 1, what was it and what is it?

MR. SHAW: Around 12,000 square feet now going to 15,000.

MR. PETRO: Now, when you increase the extra 3,000 feet has it made any nonconformities such as side yard, height?

MR. SHAW: No, there's no non-conformance whatsoever, this, again is a PUD, there's no setbacks, the only setbacks are what the board feels is appropriate and this, the setbacks are exactly as to what the board previously approved.

MR. PETRO: Anything changed with traffic flow?

MR. SHAW: None whatsoever, the entrance onto Ephiphany, the slip-in lane off Windsor Highway is the same and access point off Union is the same.

MR. PETRO: When you increase the building 3,000 feet that area had to come from somewhere, what did you remove?

MR. SHAW: I reduced retail building number 5.

MR. PETRO: But what was down by retail building number 1 that you made the building bigger?

MR. SHAW: There was additional parking in here.

MR. PETRO: That parking is now moved up to a different location but you have the same amount?

MR. SHAW: Correct, we have additional building in this area adjacent to retail building number 5 which was not there before.

MR. PETRO: Just as a curiosity, the parking that surrounds retail building number 1 if that was a stand alone parcel, would that parking be sufficient for that building or are you counting on the other parking?

MR. SHAW: Far in excess of what we need.

MR. PETRO: Public hearing, should determine if a public hearing will be required for this site plan. How about lead agency? We're ready, Mark?

MR. EDSALL: I don't know that there is a lead agency issue, the issue really comes down to whether the site plan as proposed to be amended is still consistent with the SEQRA review done on the Sky-Lom PUD which was done by the Town Board, the planning board was an involved agency back then, as long as it's consistent and I believe it is only because I believe Greg was a hundred thousand square foot that was considered?

MR. SHAW: Yes, in the environmental documents.

MR. EDSALL: Correct and reduced down to 79 now we're down to 75,925 and it's consistency that's the issue, as long as it's consistent and there's no reason to reopen SEQRA, just need to make the determination and move on.

MR. PETRO: If we wait another ten years we'll wind up with a 1,500 square foot pizzeria.

MR. EDSALL: It keeps dropping down.

MR. PETRO: Planning board should determine if a public hearing would be required for this site plan amendment

per its discretionary judgment under paragraph 48-19 C of the Town Local Law. It would seem to me that it's very minor in nature, he's actually decreased the square footage and supplied ample parking and I think I have already gone over some of the comments so.

MR. SHAW: Mr. Chairman, can I just mention something else before the board takes further action? In talking to my client prior to the meeting reviewing the plan what he would like to add to this drawing is a six or eight foot canopy over the front sidewalk, so assuming this project gets approved when we submit the final drawings for stamping, we'd like to reflect that in reality that is a structure, okay, and I'd like to bring it to the board's attention.

MR. PETRO: Can't it be supported from the foundation or cantilevered off the building?

MR. SHAW: Probably be cantilevered off the building with columns at the end of it.

MR. PETRO: But it's over top of a sidewalk. My only thought later on he decides now I'm going to glass it in, it becomes part of the building now the building has another 4,000 feet on it.

MR. SHAW: No, we would not do that.

MR. PETRO: Over top a sidewalk?

MR. SHAW: Over top a sidewalk.

MR. PETRO: Mark, how else would that affect the plan so my brain doesn't catch on fire here, anything to be concerned with?

MR. EDSALL: There's a note 3 in Greg's site plan amendment notes that basically calls for this plan being subject to all the conditions and requirements of



the original site plan approval, the concept behind that is that the lighting, landscaping will be adjusted to suit this new footprint and as we have done in the past, Mike Babcock and I will make sure that they provide an equal number of plantings and lighting to be consistent with what you have already approved but just adapted to this slight shift.

MR. PETRO: We're not concerned, that's fine, I'm just, again, and I'm repeating myself that again, it wouldn't, I know he's a builder and he doesn't want to build a building over top of a sidewalk, I wouldn't say it's never been done, letting you know now if you decide to enclose it in any way enclose it by the sides and be heated, it's going back to the planning board as a full application, in other words, for additional space and amended site plan, all right, the canopy I don't see as a problem, nothing has been made. Is there a second to waive the public hearing?

MR. MASON: I'll make the motion.

MR. LANDER: Second it.

MR. PETRO: That they waive the public hearing for the RPA site plan amendment under its discretionary judgment. Any further comments from the board members? If not, roll call.

#### ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should affirm for the record that this approval is consistent with the review and findings of the previous SEQRA review performed by the

Town and conclude that no additional SEQRA review will be necessary. That's obviously what we just discussed. We're reducing the size of the building and I think that we're consistent with the original review, planning board should require that a bond estimate be submitted for this site in accordance with Chapter 19 of the Town Code. Is there anything else, Mark?

MR. EDSALL: No, I believe it's in good shape.

MR. PETRO: Motion for final approval?

MR. LANDER: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the RPA site plan amendment retail site plan on Route 32. There's one other comment that I want to make probably Tom directly to you, down on the bottom, not a flag pole but something on that corner of Union Avenue and 32 where you have it bermed. My uncle had a little plan, he gave it to Greg for some landscaping, I don't know exactly what, I don't want to sit here and design it but come up with something, something that looks nice in that little area. It's got to be 40,000 cars a day that go passed there and it's just nothing, it's got one round sidewalk that was put in with a big pole, I mean, something, I don't know what.

MR. SCHLESINGER: A statue?

MR. PETRO: I don't know about that, I don't know. I'm not going to sit here and say what you have to do but do something. How's that sound?

MR. SHAW: Point taken.

MR. PETRO: Motion's been made and seconded for the

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final approval. Any further discussion from the board members, other than me? Roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

73 WINDSOR HIGHWAY SITE PLAN (04-08)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Site plan amendment, addition to building, this application proposes a 10,500 square foot addition to the south side of the existing building and also proposed associated site improvements. Plan is reviewed on a concept basis only. Project is located in the C zone, bulk information on the plan is correct with the zone and uses. Clarification regarding the required parking current site has a deficiency of 30 spaces, proposed development reduces to 9 spaces. I believe a referral to ZBA is not required. That's his opinion. Now, the plan submitted today is an acceptable layout plan? Where is this exactly?

MR. ARGENIO: The pool place?

MR. SHAW: Yes, the pools are right here, as you ride by, start climbing up 32, Michael's is here, excuse me, and Royal Pools is here.

MR. PETRO: Where is the addition?

MR. SHAW: The striped area about 10,500 square feet each. Just to give you a quick overview, the area that's shaded in is going to be new pavement. We're going to extend the parking in the front of the building, get rid of the pools and have a wraparound drive to the south where we're creating a new parking space, new parking area for approximately 30 spaces and then this will continue around. That's pretty much where the existing drive is now. You'll see areas that are hatched out, those are existing loading area which are on the east side of the building. So again, the parking layout on the north and the east side of the building is pretty much existing. What we're proposing is to put some parking in the front which is on west

side and new parking to the south.

MR. PETRO: What's the addition for?

MR. SHAW: It's going to be a combination similar to these existing buildings, warehouse display but with a small amount of office and little bit of retail area, such as you walk into both actually primarily Michael's or Royal Pools, they have a small office, they have a retail area where you can go up pick something up and bring it to the counter, then they have storage and warehouse in the back of the facility.

MR. PETRO: You have broken down a 1,300 square feet office and warehouse, you can calculate the parking spaces which I'm sure you have done. Mark hasn't reviewed that, this is for conceptual purposes only.

MR. SHAW: I think as Mark pointed out, the gist is, you know, whether or not we have to go to the Zoning Board of Appeals. As Mark suggested, I presented in the off-street parking schedule that as the site presently exists based upon the existing square footage of each and every use according to what's there right now, we're required to provide 57 spaces, we're only providing 27, all right, there's a 30 space deficiency with the site as it exists. Once we construct the building and put in the new parking areas we're now going to be required to provide 74 spaces but we're only providing 65 so we went from a deficit of 30 spaces to a deficit of 9 spaces. So, in other words, 21 spaces which are going to be created in this parking area are going to be applied against the existing building. That being said, all right, do we need to go to the Zoning Board of Appeals? And as Mark said in his comments which you just read he's of the opinion that we do not because we're substantially reducing the nonconformancy with respect to parking.

MR. PETRO: Hold it up there, Andy, legally, do they

have to go to the zoning board?

MR. KRIEGER: Not if he's reducing, no, no, but he should understand that once he's reduced that then becomes the non-conforming use.

MR. ARGENIO: The new standard is 9 spaces short is the new standard.

MR. PETRO: Okay.

MR. SCHLESINGER: Where that building is going up now there's no parking back there at all?

MR. SHAW: It's a combination of some shale, some oil and chip and there's some, you can park there but it's not macadam, it's not graded.

MR. SCHLESINGER: Why was there a deficiency of parking prior to your plan if they had the space?

MR. SHAW: Yeah, but what I--

MR. PETRO: That building was definitely pre-existing.

MR. SHAW: That building's got to be 34 years old.

MR. PETRO: Pre-existing zoning so we had no control.

MR. SHAW: That very well could have been a Harold Adams building which is--

MR. PETRO: What do you want to do tonight here?

MR. SHAW: I just want the board to appreciate the expansion of this project and concur that we don't have to go to the Zoning Board of Appeals and with the advice of your attorney now that we don't, I'll go back and refine the drawings and work towards site plan approval. Have a good night.

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MR. SHAW: Thank you.

MR. PETRO: Motion to adjourn?

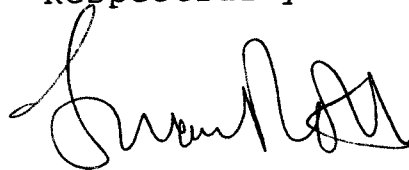
MR. ARGENIO: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth  
Stenographer

4/28/04